

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DINESH BATRA,

*Plaintiff,*

v.

CITIMORTGAGE, INC., *et al.*,

*Defendants.*

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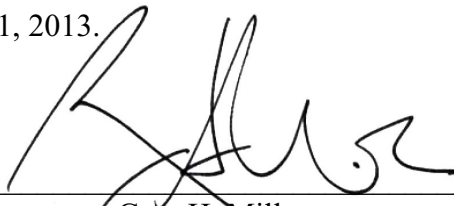
CIVIL ACTION H-12-2278

**ORDER**

In the court's order dated September 9, 2013, plaintiff was ordered to properly serve the Secretary of Veteran Affairs and present proof thereof, or respond to the Secretary of Veteran Affairs' motion to dismiss and show good cause as to why this defendant has not been properly served more than a year after this case was first filed. Dkt. 46. Plaintiff was ordered to serve the defendant or respond by October 18, 2013. *Id.* Plaintiff has failed to follow the court's order.

Federal Rule of Civil Procedure 4(m) requires a defendant be served within 120 days after the filing of the complaint. Plaintiff was warned that his failure to file proof of service by October 18, 2013 (over one year after the filing of the complaint) would result in the dismissal of the Secretary of Veteran Affairs by this court. To date, plaintiff has not presented proof that this defendant has been properly served. Therefore, the Secretary of Veterans Affairs' motion to dismiss (Dkt. 38) is GRANTED.

Signed at Houston, Texas on October 21, 2013.

  
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Gray H. Miller  
United States District Judge